

11/15/95

By:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Christopher H. Contag, et al.

SERIAL No.: 08/270,631

FILED: July 1, 1994

**FOR: Non-Invasive Localization
of a Light-Emitting
Conjugate in a Mammal**

EXAMINER: R. Schwab

ART UNIT: 1816

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GROUP 1000

Response to Restriction Requirement

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

In response to the Office action dated October 24, 1995 in the above-identified application, the applicants make the following elections.

The Examiner has requested an election of species from the following groups: A. claim 4, drawn to a method for detecting the localization of tumor cells; B. claim 5, drawn to a method for detecting the localization of inflammation; C. claims 6, 9, and 10, drawn to a method for detecting the localization of a pathogen; and D. claim 7, drawn to a method for detecting the localization of a thrombotic plaque.

The applicants elect group C., a method for detecting the localization of a pathogen, without traverse.

The Examiner has also requested an election of species from the following groups: A. claim 13, drawn to a conjugate that is a fusion protein; and B. claims 14 and 15, drawn to a transformed cell.

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18C ✓
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[illegible]


The applicants elect group B., a transformed cell, without traverse.

Accordingly, the applicants have elected to begin prosecution with examination of claims 6, 9, 10, 14 and 15.

Upon allowance of the generic claims, applicants request consideration of claims to additional species which are written in dependent form or which otherwise include all the limitations of the allowed generic claims.

Respectfully submitted,

Date: 15-November, 1995


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